

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 822, FOOD AND DRUGS ACT.

MISBRANDING OF LONDONDERRY LITHIA WATER.

On or about February 14, 1910, there were offered for sale in the District of Columbia 33 cases of alleged lithia water, 15 cases of which, each containing 12 bottles of water, were labeled: "Londonderry Lithia Water from Nashua, N. H., U. S. A. Glass. 12 half gallons. Still. Store. Positively this side up; Must not be stored on side;" each of the bottles contained in said 15 cases being labeled: "Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A., For Rheumatism, Neuralgia, Dyspepsia, Eczema, Malarial Poisoning, Gout, Gravel, Bright's Disease, Diabetes, Dropsy and all diseases of the Kidneys and Bladder. Directions: Take 6 to 10 glasses a day to exclusion of other drinks. For best effect take half hour before meals. Guaranteed under Food and Drugs Act, June 30, 1906, Serial No. 3139"; 5 of said cases, each containing 50 bottles of carbonated water, were labeled: "From the Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A. Must not be stored on side. Glass. 50 large bottles carbonated. Store positively this side up," each of the bottles contained in said 5 cases being labeled: "Sparkling Londonderry Lithia Spring Water. Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A. Artificially carbonated. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 3139;" the remaining 13 cases, each containing 100 bottles carbonated water, were labeled "Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A., Must not be stored on side. Glass. 100 medium bottles carbonated. Store positively this side up," each of the bottles contained in said 13 cases bearing labels identical with those on the bottles in the 5 cases last above mentioned. Samples of the water contained in said 33 cases were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product contained in the 15 cases first above mentioned showed no weighable amount of lithium in 2,000 cc., but only a faint spectroscopic trace, insufficient to give the therapeutic action of lithia when a reasonable quantity of the water was consumed. Examination of samples of the carbonated water contained in the 5 and 13 cases

above mentioned showed it to contain no weighable amount of lithium in 3,910 cc., to be artificially carbonated, and to contain added sodium chloride and sodium bicarbonate, the presence of which was not stated on the label in question. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of said District against the said 33 cases of Londonderry Lithia Water charging the above offering for sale and alleging that the product in question was misbranded within the meaning of the act: (1) In that the above mentioned 15 cases and the bottles therein contained bore labels containing certain statements regarding the product which were exaggerated, false, and misleading, to wit, the statements that the liquid contained in said bottles was a lithia water, when in truth and in fact the product did not contain an appreciable amount of lithium and was not a lithia water, and did not contain sufficient lithium to give the therapeutic action of lithia when a reasonable quantity of said water was consumed in the treatment of rheumatism, neuralgia, dyspepsia, eczema, and the other diseases mentioned upon said label; and (2) in that the remaining 18 cases above referred to and the bottles of the product therein contained did not contain an appreciable amount of lithium and that the product was not a lithia water and in that the said bottles and each of them contained substances and ingredients, to wit, sodium chloride and sodium bicarbonate, and that neither of these added substances was named upon said label as being contained in said water, and that the said sodium chloride and sodium bicarbonate were not contained in the said water in its natural state, and in that the product contained in the said bottles was not a natural sparkling water, and in that the said bottles and each of them bore on the label the statement "artificially carbonated," and that this statement "artificially carbonated" was not used in the principal portion of said label but appeared upon said label in an obscure place and was so used to mislead and deceive the purchaser, said label as a whole indicating that the contents of said bottles was a natural water, and praying seizure, condemnation, and forfeiture of the product.

On January 12, 1911, the above mentioned Londonderry Lithia Spring Water Company consented that a decree of condemnation be entered pursuant to the prayer of the above libel, whereupon the court being fully informed in the premises, issued its decree finding said 33 cases of water to be misbranded within the meaning of the

act, condemning and forfeiting the product to the use of the United States, and ordering its destruction by the marshal of said district, assessing the costs of these proceedings upon the company aforesaid.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 22, 1911.*

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